



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,425	08/03/2001	Gary Mittman	R258-DB	7477

7590 11/19/2003

DAVID A. BELASCO, ESQ.
BEEHLER & PAVITT
Suite 330
100 Corporate Pointe
Culver City, CA 90230

EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,425

Applicant(s)

MITTMAN ET AL.

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is responsive to amendment filed August 26, 2003.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson U.S. Patent No. 6,470,079 and further in view of Cope U.S. Application Publication No. 2002/0046281.

Regarding claims 1-8, Benson teaches advertising media purchase placed in either of movies, video, television, print, etc. within stated geographic area, tracking goals achieved, correlating and reporting the times of the goals achieved by customer... Benson teaches each media purchase including a unique directory number for accessing further information related to the subject matter of the media purchase. Benson teaches a database containing records correlating user geographic information, by cross-referencing caller's number and zip-code (see

Art Unit: 3622

col. 5 line 18 to col. 7 line 10 and col. 9 line 55 to col. 10 line 32). Benson teaches all claimed features except for the media purchase including a web address and correlating user protocol address to the geographic area and tracking the Internet related goals. Official Notice is taken that providing a web address on media purchase is old and well known in the art of marketing. One would be motivated to provide a web address on media purchase, instead of "800", in order to direct the user to the point of sale (web site). Official Notice is taken that determining geographic location associated with an Internet Protocol address is old and well known in the art of WWW. One would be motivated to determine the geographic location of users in order to report demographic information of the respondents to the campaign, as taught by Benson. Cope teaches tracking web related goals and correlating and reporting the timing of Internet related goals (see page 2 par. 29 to page 5 par. 73). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Benson's reporting of advertising campaign with Cope's tracking of Internet related goals in order to evaluate the advertising effectiveness of the purchase media, as taught by Benson (see col. 1 line 65 to col. 2 line 55).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Verma U.S. Patent No. 6,243,750 teaches measuring web site access requests.

Davis et al. U.S. Patent No. 5,796,952 teaches tracking client interaction with a network resource and creating client profiles and resource database.

Mayer U.S. Patent No. 5,774,534 teaches context-based transactions using broadcast advertising.

Leroy U.S. Patent No. 5,812,642 teaches audience response monitor and analysis.

Hyoda U.S. Patent No. 5,937,390 teaches on-line advertising and determining the effectiveness of the advertisement.

Srinivasan et al. U.S. Application Publication No. 2002/0042738 teaches determining the effectiveness of Internet advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Yehdega Retta
Examiner
Art Unit 3622